

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

GORDON FRANKLIN, JR., )  
                            )  
Petitioner,             )  
                            )  
vs.                      )                  No. 10-3373-CV-S-DW  
                            )  
LINDA SANDERS, Warden,<sup>1</sup> )  
United States Medical Center for )  
Federal Prisoners,        )  
                            )  
Respondent.             )

**REPORT AND RECOMMENDATION OF  
THE UNITED STATES MAGISTRATE JUDGE**

Because the issues presented in this case are being litigated in *Franklin v. Anderson*, Case No. 10-3188-CV-S-ODS, which is currently pending before the United States Court of Appeals for the Eighth Circuit, it is

RECOMMENDED that the petition herein for writ of habeas corpus be dismissed without prejudice.

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/s/ James C. England  
**JAMES C. ENGLAND**  
**UNITED STATES MAGISTRATE JUDGE**

Date: September 13, 2012

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<sup>1</sup> The current warden is the proper respondent.